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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,169	09/21/2000	Vipul Bansal	JP920000235US1	8125

7590 03/08/2005

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EXAMINER

SMITH, JEFFREY A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,169

Applicant(s)

BANSAL ET AL.

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,8-12,15,17,19-23,26,28 and 30-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4,6,8-11,22,23,26,28,30-35 and 37-39 is/are allowed.
- 6) ☒ Claim(s) 12,15,17,19-21 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 21, 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Response filed December 16, 2004 has been entered and considered.

Claims 1, 4, 6, 8-12, 15, 17, 19-23, 26, 28, and 30-39 are pending.

Claims 2, 3, 5, 7, 13, 14, 16, 18, 24, 25, 27, and 29 have been canceled.

An action on the merits follows.

Information Disclosure Statement

An updated copy of the Form PTO-1449 filed March 12, 2004 is transmitted herewith. A previously transmitted copy of such Form had failed to indicate consideration of ASAHI, NO. 264, pages 14-15, April 15, 2000, Japan.

Drawings

The drawings filed September 21, 2000 have been approved.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12, 15, 17, 19-21, and 36 are rejected under 35 U.S.C. 112, first paragraph, as being non-enabled.

Claim 12 is of undue breath since it is directed to a single means which does not appear in combination with another recited element. Accordingly, the claim attempts to foreclose on all possible means for performing the recited function. A single means claim which covers every conceivable means for achieving the stated purpose is nonenabling for the scope of the claim because the specification discloses at most only those means known to the inventor. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983). See MPEP 2164.08(a). Claims 15, 17, 19-21, and 36 depend from claim 12 and provide no other recited element. For examination purposes, claim 12 has been interpreted as additionally comprising agent means for performing the various agent functions recited (claim 23 has been used as a guide). Applicant must make the appropriate corrections.

Allowable Subject Matter

Claims 1, 4, 6, 8-11, 22, 23, 26, 28, 30-35, 37-39 are allowed.

Claims 12, 15, 17, 19-21, and 36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

Reasons for Indication of Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Rackson et al. (U.S. Patent No. 6,415,270 B1) is of particular interest. Rackson et al. discloses a method of dynamically bidding, through a software agent, in online auctions accessible over a communications network (see embodiment beginning at col. 23, line 30). Here, Rackson discloses that "[a]n ending date and time for the bidding on this item type may be specified by the bidder using a calendar-like interface (412)". The Examiner notes, however, that this differs from the recitation "said plurality of auctions are located across multiple online auction sites and are scheduled to close for bidding simultaneously" (emphasis added). Although a bidder in Rackson et al. may specify an ending date and time

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for the bidding (col. 24, lines 11-13), this is not to say that such specification has the effect of scheduling a plurality of auctions to close for bidding simultaneously. It appears that the Rackson et al. ending date specified by the bidder provides a deadline date/time at which no further bids will be placed by that particular bidder. This is not to say, however, that the plurality of auctions will be closed for bidding to other bidders at such simultaneous date/time. Further, it is noted that the plurality of auctions of Rackson et al. are not scheduled to close for bidding simultaneously since Rackson teaches that some of the tracked auctions are in a more advanced state than others--i.e., some having "just begun", while others are "about to end" (see col. 25, lines 42-46). Finally, it is noted that Rackson et al. displays parameters of tracked auctions. Figure 14 shows such display and indicates different "time remaining" statuses (532) for each remote auction (526). This indicates that the auctions are not scheduled to close for bidding simultaneously.

Alternatively, Rackson et al. does disclose an embodiment in which a plurality of auctions are located across multiple online auction sites and are scheduled to close for bidding simultaneously (see col. 20, line 54-col. 21, line 25).

However, Rackson et al. is silent with regard to the agent

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selecting these plurality of auctions and the manner in which the agent proceeds on being outbid in any auction. It is worth noting that this embodiment involves a bid replication technique in which a common bid is replicated across the plurality of auction sites. This technique does not require a determination be made as to whether to place an additional bid in a first auction or some other auction. This is because the simultaneous auctions in this embodiment replicate any single bid to all auction sites.

Neither Rackson et al. nor any other prior art of record disclose or fairly and reasonably teach the above-noted features.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garg et al. (US Pat. App. Pub. No. 2003/0208408 A1) has one common inventor (Garg) and discloses the auction of multiple heterogeneous items among multiple buyers and sellers using software agents.

Little, Bob: "Auctioning is the wisest choice [if] you want best value"; Government Computer News, Vol. 15, No. 28,

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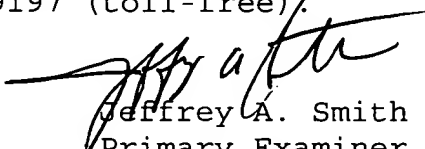
p54(2); Nov. 4 1996 discloses auctions in a federal acquisition environment.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey A. Smith
Primary Examiner
Art Unit 3625

jas